

## UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

James Sylvester Lara

Case No. 20-mj-30497

CMP USA V LARA

Filed: 12/2/2020

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 17, 2020 in the county of Genesee in the  
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 922(g)(1)	Felon in possession of a firearm

This criminal complaint is based on these facts:

That on or about February 17, 2020, in the Eastern District of Michigan, James Sylvester Lara, knowing that he had been convicted of a felony offense punishable by a term of imprisonment exceeding one year, knowingly possessed, in and affecting commerce, firearms in violation of 18 U.S.C. § 922(g)(1).

☒ Continued on the attached sheet.



Complainant's signature

Dustin Hurt, Special Agent, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: December 2, 2020

City and state: Flint, MI



Judge's signature

Curtis Ivy, Jr., U.S. Magistrate Judge

Printed name and title

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AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

*United States v. James Sylvester Lara*

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1. I have been employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) since October of 2018. I am currently assigned to the Detroit Field Division, Flint Field Office. Before working for the ATF, I was employed by the Michigan Department of State Police (MSP) for approximately seven years. Before working for MSP, I was a local police officer for the Grand Ledge Police Department for approximately three years. I held numerous positions with the MSP, including Detective Sergeant in the Polygraph Unit and Task Force Officer with the FBI. During my employment with ATF and MSP, I have conducted or participated in numerous criminal investigations focused on firearms, armed drug trafficking, and criminal street gangs, and other violations of federal law.

2. I make this affidavit from personal knowledge based on my participation in this investigation, my review of reports and other materials prepared by those who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation.

3. On February 17, 2020, Michigan State Police Troopers Minchella and West, while on patrol in the City of Flint, observed a 2006 Mercury Milan (suspect vehicle) with an improper Michigan Registration plate as identified via LEIN (no record). The vehicle was approaching Davison Road from Franklin Road when Troopers observed the rear high center mounted brake light was defective (civil infraction for defective equipment in the Michigan Vehicle Code). The suspect vehicle turned into the Fresh Choice Market at the intersection of Davison Road and Franklin Road when Troopers activated emergency lights to signal a traffic stop. Contact was made with the driver, Justin Tyler Palladeno-Lott and the front seat passenger, James Sylvester Lara. Troopers observed an open 24 ounce Budweiser can on the backseat floorboard and liquid was observed around the “mouth” of the can (Open Intoxicants-Misdemeanor). Both Palladeno-Lott and Lara were detained pending further investigation.

4. Palledano-Lott gave Troopers consent to search the suspect vehicle and his person. No contraband was located on Palladeno-Lott’s person. When asked if anything illegal was inside the vehicle, Palladeno-Lott advised he did not know and nothing inside the vehicle belonged to him but that the passenger was moving around when the troopers conducted the traffic stop. Wedged between the passenger seat (where Lara was seated) and the center console, Troopers located a 9mm Smith &

Wesson M&P Shield pistol bearing S/N: HZC4371. The pistol was loaded with seven rounds in the magazine with one round in the chamber. Additionally, on the driver's side floor board was a corner tie of a plastic bag which contained a white rock like substance believe to be crack cocaine near the gas pedal. The Budweiser can was retrieved which was cold to the touch and was approximately 6 ounces (1/4 of the can) of intoxicants.

5. Both Palladeno-Lott and Lara refused to speak with the Troopers after being read their *Miranda* rights.

6. The 9mm Smith & Wesson M&P Shield was queried in LEIN. LEIN yielded that the pistol was registered to Amanda Lynn Lara. Amanda Lara is the wife of James Lara.

7. Contact was made with Amanda Lara via the telephone. Amanda Lara advised that the pistol in question belongs to her and that her husband James Lara, from whom she is now separated, stole it from her. Amanda advised she packed up James Lara's possessions on February 10, 2020, and told him to leave. Amanda advised she observed the pistol to be missing when the Troopers called her and asked about the gun. Amanda advised she kept the pistol in a safe in her closet away from her children. Amanda further explained, that James Lara is the only person other than her who knows the code to the safe.

8. ATF Task Force Officer Swain made contact with employees at Mega Pawn 2 located at 3910 Corunna Rd Flint, MI which is where the pistol was purchased. TFO Swain obtained the ATF Form 4473 which provided Amanda Lara purchased the Smith & Wesson M&P Shield bearing S/N: HZC4371 on September 17, 2019.

9. I reviewed James Lara's criminal history. He was convicted in Genesee County Circuit Court in 2015 of Unarmed Robbery. Lara was sentenced to serve a term of 3 to 15 years' incarceration with the Michigan Department of Corrections. Unarmed Robbery is an offense that is punishable by a term of imprisonment exceeding one year.

10. I have spoken with ATF Special Agent Jonathan Wickwire, who is recognized by ATF as having expertise in the interstate travel and manufacture of firearms. SA Wickwire advised that the 9mm Smith & Wesson M&P Shield bearing S/N: HZC4371 was manufactured outside of the state of Michigan and is a firearm as defined in Chapter 44, Title 18, United States Code.

11. Based on the foregoing, I have probable cause to believe that on February 17, 2020, in the Eastern District of Michigan, James Lara, knowing that he had been convicted of a felony offense punishable by a term of imprisonment exceeding one year, knowingly possessed, in and affecting commerce, a firearm in violation of 18 U.S.C. § 922(g)(1).



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DUSTIN HURT, Affiant  
Special Agent  
Bureau of Alcohol, Tobacco, Firearms & Explosives

Sworn to before me and signed in my presence and/or by reliable electronic means  
on December 2, 2020 \_\_\_\_\_.



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HON. CURTIS IVY, JR.  
United States Magistrate Judge